



**United States District Court
Northern District of Ohio**

**Annual Assessment of the
Civil and Criminal Dockets**

**for the
Northern District of Ohio**

**Calendar Year
2001**

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for the
United States District Court
Northern District of Ohio
March 15, 2002**

The Northern District of Ohio adopted a delay and cost reduction plan effective January 1, 1992 pursuant to its role as a demonstration district under the Civil Justice Reform Act (CJRA) of 1990. That Act required that each district court annually assess the condition of its civil and criminal dockets with a view to determining appropriate additional actions that may be taken by the Court to reduce cost and delay in civil litigation and to improve the litigation management practices of the Court. (See 28 U.S.C. §475). Although the CJRA has now sunset, the Court continues to monitor the status of its civil and criminal dockets through this annual assessment.

The Northern District of Ohio manages its docket using the Differentiated Case Management (DCM) Plan, wide menu of Alternative Dispute Resolution (ADR) options and Pending Inventory Reduction Plan (PIRP) that were adopted to reduce unnecessary cost and delay in civil litigation. These case management tools have assisted the Court maintain current dockets and reduce the pending inventory of older cases and motions while proving to be popular among the bench and the bar.

The DCM, ADR and PIRP programs have greatly assisted the Northern District of Ohio in effectively managing its docket during the past nine years, including one 18-month period when it labored under a severe shortage of judicial officers. The district is authorized 12 judgeships (including one temporary position) and seven magistrate judgeships. The district also benefits from the assistance of five senior district judges and one retired-recalled magistrate judge. Currently, one district judgeship is vacant.

The Court remains concerned that it could lose its temporary judgeship. Without further congressional action, the district's temporary judgeship will lapse with the creation of the next vacancy. The Judicial Conference of the United States has transmitted proposed legislation to Congress that would extend the district's temporary judgeship for an additional five years, but the proposed bill has not been acted upon by Congress.

Executive Summary

Civil Docket (non-asbestos)

The pending civil docket increased 2.1% from 2,952 pending cases at the end of 2000 to 3,015 at the end of 2001. The 3,015 pending cases represent the second lowest figure of the past decade and are 15.5% below the 3,568 cases pending at the close of 1991.

The success of the Court's case management techniques is demonstrated by the small pending docket in comparison to the record level of civil filings over each of the past 5 years. Although civil case filings declined 6.4% from 4,147 in 2000 to 3,880 in 2001, they were still 14.6% higher than the 3,386 cases filed in 1991.

The decline in civil cases filings was caused by a decline in General Civil filings (down 29% from 1059 in 2000 to 749 in 2001) and social security Administrative Reviews (down 27% from 510 in 2000 to 370 in 2001). The decline in Administrative Reviews reversed a sharp increase over the prior four years.

Criminal Docket

In contrast to the civil docket, the number of pending criminal cases and pending criminal defendants are at record highs. The number of pending criminal cases increased 17.4% from 345 in 2000 to 405 at the close of 2001. The number of pending criminal defendants rose 2.4% from 630 to 645.

The increase in the number of pending criminal cases and defendants is directly attributable to record number of criminal case filings. Although the Court closed more criminal cases and criminal defendants in 2001 than ever before, the pending criminal docket still rose due to the increase in filings. Criminal case filings reached the highest level ever, increasing 13.7% from 541 in 2000 to 615 in 2001. Criminal defendant filings decreased 2.1% from 974 in 2000 to 954, but still represented the second highest number of criminal defendant filings ever. Criminal case closings increased by 16.2% from 489 in 2000 to 568 in 2001 and criminal defendant closings rose 13.2% from 828 in 2000 to 937 in 2001, the highest totals ever recorded.

Asbestos Docket

All asbestos cases in the federal courts are regularly transferred to the Eastern District of Pennsylvania for pretrial supervision under Multi-District Litigation. However, asbestos cases continue to be filed and docketed here. Filings in the maritime asbestos litigation, which have provided a substantial portion of the funding for Clerk's Office staffing and Court operations over the past decade, tumbled 53% to 1,163 in 2001 from 2,432 in 2000. That followed a 25% decline in maritime asbestos filings from 1999 to 2000. Lead plaintiff's counsel in the maritime litigation projects significantly fewer filings in the upcoming year. While the maritime asbestos litigation dwindled, the Clerk's Office was inundated with the filing of 8,512 land-based asbestos removals from the Court of Common Pleas in November and December, which necessitated the hiring of three temporary employees to help process. Even with that additional assistance, it will take several months before all the cases are completely processed. With the maritime asbestos litigation continuing to wind down, and no further mass removals being expected, the Court must remain prepared for the substantial reduction in the Clerk's Office's authorized staffing and the Court's operating budget that is likely to occur in upcoming years.

Civil Justice Reform Act (DCM, ADR, and the PIRP)

Much of the improvement in the status of the Court's dockets over the past decade can be attributed to the Differentiated Case Management Plan, the wide menu of Alternative Dispute Resolution options, the Pending Inventory Reduction Plan, and the increased utilization of magistrate judges that were the focus of the district's Civil Justice Reform Act efforts.

Since January 1, 1992, 21,388 cases have received track assignments including: 2,109 (10%) expedited track assignments, 10,777 (50%) standard track assignments, 814 (4%) complex track assignments, 66 (0.3%) mass tort track assignments and 7,622 (36%) administrative track assignments. In general, cases assigned to the expedited track are expected to be completed in

9 months, cases assigned to the standard track are expected to be completed in 15 months and cases assigned to the complex track are expected to be completed in 24 months. Administrative track cases, primarily social security reviews, are expected to be completed within 15 months, while mass tort cases are expected to be resolved within time periods specified within the individual case management plans developed for the specific body of litigation.

Some 3,482 cases have now been referred to the district's court-annexed ADR program including: 919 cases to Early Neutral Evaluation; 2,440 cases to Mediation; 56 cases to Arbitration; 63 cases to Summary Jury Trial; three cases to Summary Bench Trial; and one case to a mini-trial process. Of the 3,387 cases that had completed ADR by the end of 2001, 1,582 or 46% were resolved prior to or through the ADR proceeding.

The number of civil cases three years and older has been reduced by about 84% since the district initiated its CJRA efforts, dropping from 399 cases at the close of 1991 to 65 cases at 2001 year end.

The number of motions pending six months or longer decreased 27.4% from 179 in September, 2000 to 130 in September, 2001. Since September 1992, the number of motions pending six months or longer decreased 88.9% from 1,169.

The role of the magistrate judges in the management of civil cases continues to be significant. At year-end, magistrate judges presided over 455 (15%) of the pending civil cases, the third highest total ever recorded. Magistrate judges were the presiding judicial officers for 568 (15%) of the civil cases that were resolved in 2001, up 109% from the 272 civil cases magistrate judges closed in 1991.

Electronic Filing

The Northern District of Ohio has served as an electronic filing prototype Court since January 1, 1996, when it began requiring parties in new maritime asbestos cases to file documents electronically over the Internet rather than on paper. The Court has also permitted electronic filing in other civil cases since October 1997. Beginning July 1, 2000, all newly filed civil cases have been placed directly into the Court's new Case Management / Electronic Filing System (CM/ECF) which provides electronic access to court documents over the Internet. Some 2,521 attorneys representing 851 firms and solo practitioners had electronically filed nearly 40,000 documents in this district in traditional civil cases by the time of this report. Another 182,000 documents had been electronically filed in the maritime asbestos litigation.

Electronic Courtrooms

The Court has now installed an advanced electronic courtroom in each of its four Court Houses. Through the use of a Digital Evidence Presentation System (DEPS), counsel can display exhibits, realtime transcripts, video recordings or multimedia presentations with the push of a button. Portable evidence presentation equipment, video conferencing capability and satellite receivers are available at each court house to streamline trials, permit remote witness testimony and provide remote training opportunities. When the Court moves into the new Cleveland Court House it will relocate the electronic courtroom equipment in the current Cleveland Court House while also adding three more electronic courtrooms.

Judicial Resources

District Judges

The Northern District of Ohio is authorized 12 judgeships, 11 permanent and one temporary. During the past decade, however, the Court has never been at full strength for more than six months at a time. The Court currently has one district judgeship vacancy, which has existed over three years (since February 26, 1999).

For the year ending September 30th, the number of vacant judgeship months within the district remained the same 12.0 in 2000 to 12.0 in 2001. The number of vacant judgeship months for the nation's 655 authorized district judgeships increased 25.5% during the same period.

District Court Vacant Judgeship Months Source: Federal Management Statistics Profile				
September	U.S. Total	% Change	ND of OH	% Change
1991	1227.6	--	25.1	--
1992	1313.4	6.99	47.7	90.04
1993	1199.9	-8.64	60.0	25.79
1994	1104.3	-7.97	49.0	-18.33
1995	642.0	-41.86	19.8	-59.59
1996	571.7	-10.95	6.5	-67.17
1997	791.7	38.48	23.0	253.85
1998	720.2	-9.03	11.6	-49.57
1999	566.5	-21.34	7.1	-38.79
2000	597.5	5.47	12.0	69.01
2001	749.9	25.51	12.0	0.00

Absent congressional action, the district's temporary judgeship is currently scheduled to lapse with the creation of the next district judge vacancy. The Judicial Conference of the United States has transmitted proposed legislation to Congress that would extend the temporary judgeship for an additional five years, but the proposed bill has not been acted upon by Congress.

Magistrate Judges

The Northern District of Ohio is authorized seven magistrate judges with four assigned to Cleveland and one each to Akron, Youngstown and Toledo. The Court benefits from having an additional magistrate judge from Cleveland in retired-recalled status.

Civil Docket

Civil Case Filings

Civil case filings in the Northern District of Ohio fell 6.4% from 4,147 in 2000 to 3,880 in 2001, the fifth highest number of filings ever recorded. Since 1991, civil case filings have increased 14.6%.

Non-Asbestos Civil Case Filings		
December	Filings	% Change
1991	3,386	--
1992	3,547	4.75
1993	3,550	0.08
1994	3,422	-3.61
1995	3,601	5.23
1996	3,621	0.56
1997	4,328	19.53
1998	3,926	-9.29
1999	4,130	5.20
2000	4,147	0.41
2001	3,880	-6.44

The district's national case filing statistics are heavily weighted by the large number of maritime asbestos cases filed here. According to the Federal Court Management Statistics Judicial Workload Profile for the year ending September 30, 2001, the district's civil case filings (including asbestos cases) per authorized judgeship decreased 28.6% from 696 in 2000 to 497 in 2001 while the national average for all district courts fell 4.2% from 474 to 454. From 1991 to 2001, case filings per authorized judgeships were up 23.3% in the Northern District of Ohio compared to 20.4% nationally. The district's civil case filings per authorized judgeship ranked 25th in the nation and second in the Sixth Circuit during 2001.

Total Civil Case Filings Per Judgeship (Includes Asbestos) Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	377	--	403	--
1992	409	8.49	412	2.23
1993	407	-0.49	683	65.78
1994	413	1.47	663	-2.93
1995	434	5.08	721	8.75
1996	471	8.53	802	11.23
1997	480	1.91	833	3.87
1998	467	-2.71	856	2.76
1999	477	2.14	609	-28.86
2000	474	-0.63	696	14.29
2001	454	-4.22	497	-28.59

The Administrative Office uses a system of weighting cases by case type in order to measure the relative difficulty of various district court case loads. Although the weighting factor for asbestos cases is small (about 0.19 per case), the large number of asbestos cases filed here has a significant impact on the overall weighted case filings statistic for the district.

According to the 2001 Federal Case Management Statistics Judicial Caseload Profile, the district's 447 weighted civil case filings per authorized judgeship were 6.7% lower than the national average of 479. The district ranked 43rd in the nation and fourth in the Sixth Circuit in weighted case filings in 2001. Excluding asbestos cases, however, the district's weighted case filings per judgeship is estimated to be only 424.

The Judicial Conference uses 430 weighted case filings per judgeship as a threshold to determine whether a district has the need for additional judgeships. Excluding both asbestos filings as well as the district's current temporary judgeship position, the district's weighted case filings per judgeship is estimated to be about 463 which would lead to the conclusion that the continuation of the temporary judgeship is needed.

Weighted Civil Case Filings Per Judgeship (Includes Asbestos) Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	386	--	349	--
1992	412	6.74	370	6.02
1993	419	1.70	441	19.19
1994	419	0.00	415	-5.90
1995	448	6.92	424	2.17
1996	472	5.36	486	14.62
1997	504	6.78	503	3.50
1998	484	-3.97	509	1.19
1999	472	-2.48	411	-19.25
2000	479	1.48	464	12.90
2001	479	0.00	447	-3.66

Filings by Category

The types of civil actions filed in the Northern District of Ohio continue to fluctuate. For instance, personal injury case filings rose 59% from 281 cases in 2000 to 447 cases in 2001 and contract case filings rose 24% from 431 in 2000 to 535 in 2001. Conversely, administrative reviews (overwhelmingly social security cases) declined 27% from 510 in 2000 to 370 in 2001, after rising four consecutive years, and general civil matters (such as government collection cases) fell 29% from 1,059 in 2000 to 749 in 2001. Habeas corpus case filings declined for the third year in a row, down 10% from 319 in 2001 to 287 in 2000; habeas corpus case filings were down 29% from the high of 402 habeas case filings in 1998. There were seven death penalty case filings in 2001, down 30% from the 10 death penalty filings in 2000.

Non-Asbestos Civil Case Filings By Category												
Case Category	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	% Change 2000-2001	% Change 1992-2001
Admiralty	20	17	22	16	14	18	18	11	23	21	-8.70	5.00
Antitrust	11	15	18	16	3	5	10	3	5	12	140.00	9.09
Civil Rights	725	809	914	1037	998	993	1032	938	930	900	-3.23	24.14
Contract	370	326	374	340	378	391	370	397	431	535	24.13	44.59
Habeas--non §2255)	116	148	170	216	201	354	402	326	319	287	-10.03	147.41
Labor Relations	449	371	386	390	380	386	333	362	432	419	-3.01	-6.68
Patent	31	34	27	49	39	53	51	27	44	47	6.82	51.61
Personal Injury	405	531	363	505	410	782	378	347	281	447	59.07	10.37
Administrative Reviews	504	482	447	334	299	381	395	493	510	370	-27.45	-26.59
Tax	53	43	38	23	37	34	33	19	21	34	61.90	-35.85
Unfair Competition	75	64	72	69	56	79	88	86	82	52	-36.59	-30.67
General Civil	787	710	591	593	787	849	806	1104	1059	749	-29.27	-4.83
Death Penalty	1	0	0	13	19	3	10	17	10	7	-30.00	600.00
Total	3,547	3,550	3,422	3,601	3,621	4,328	3,926	4,130	4,147	3,880	-6.44	9.39

Civil Case Closings

Civil case closings decreased 11.5% from 4,322 in 2000 to 3,826 in 2001. The 2001 closings were 4.68% above the 3,655 cases closed in 1991.

Non-Asbestos Civil Case Closings		
December	Closings	% Change
1991	3,655	--
1992	3,829	4.76
1993	3,485	-8.98
1994	3,348	-3.93
1995	3,690	10.22
1996	4,183	13.36
1997	3,947	-5.64
1998	4,393	11.30
1999	4,181	-4.83
2000	4,322	3.37
2001	3,826	-11.48

Pending Civil Case Load

The number of civil actions pending at the end of the year increased 2.1% from 2,952 in 2000 to 3,015 in 2001, but remained at the second lowest level in a decade. Since 1991, the number of pending civil cases is down 15.5% from 3,568.

In December 1995, the district judges determined that social security reviews pending more than 15 months would be considered part of a "social security backlog" and took steps towards reducing that backlog as quickly as possible. Initially, the number of pending social security matters was reduced by 46% from 546 in 1995 to 299 in 1996. That decrease was aided by a decline in social security case filings, due to a backlog of cases within the social security administration, as well as the addition of a temporary social security law clerk, a position that is no longer available. Social security filings have increased each of the past four years, however, and at the conclusion of 2001, 444 social security reviews were pending.

Non-Asbestos Civil Cases Pending At Year End		
December	Cases	% Change
1991	3,568	--
1992	3,372	-5.49
1993	3,543	5.07
1994	3,689	4.12
1995	3,740	1.38
1996	3,244	-13.26
1997	3,630	11.90
1998	3,170	-12.67
1999	3,123	-1.48
2000	2,952	-5.48
2001	3,015	2.13

Criminal Docket

Criminal Case Filings

While the case management techniques adopted by the Court under the CJRA are being applied to the civil caseload, the effects of the criminal docket on overall case management cannot be overlooked due to the priority criminal cases receive due to The Speedy Trial Act of 1974.

The number of new criminal case filings rose 13.7% from 541 in 2000 to a record high of 615 in 2001. Criminal case filings have increased 43% since 1991.

The number of defendants in criminal cases filed in 2001 decreased 2.1% from 974 in 2000 to 954 in 2001, but remained the second highest total ever. The number of defendants in a criminal case is often indicative of the degree of difficulty of the case. Criminal defendant filings have increased 39.5% since 1991.

Criminal Case Filings				
December	Cases	% Change	Defendants	% Change
1991	430	--	684	--
1992	545	26.74	796	16.37
1993	462	-15.23	669	-15.95
1994	479	3.68	677	1.20
1995	494	3.13	736	8.71
1996	451	-8.70	713	-3.13
1997	479	6.21	792	11.08
1998	567	18.37	871	9.97
1999	473	-16.58	725	-16.76
2000	541	14.38	974	34.34
2001	615	13.68	954	-2.05

The number of criminal filings per judgeship remains relatively low in the Northern District of Ohio. Criminal felony case filings per authorized judgeship increased 19.1% during the year ending September 30th from 42 in 2000 to 50 in 2001, while the national average for all district courts fell 1.3% from 78 to 77. Since 1991, the district's criminal case filings per judgeship have increased 35.1%, compared to a 48.1% increase nationwide. In 2001, the district ranked 62nd out of 94 in the nation and seventh out of nine in the Sixth Circuit in criminal felony case filings per authorized judgeship.

Total Criminal Felony Case Filings Per Judgeship Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	52	--	37	--
1992	54	3.85	40	8.11
1993	53	-1.85	45	12.50
1994	49	-7.55	38	-15.56
1995	51	4.08	39	2.63
1996	55	7.84	36	-7.69
1997	60	9.09	34	-5.56
1998	69	15.00	46	35.29
1999	74	7.25	40	-13.04
2000	78	5.41	42	5.00
2001	77	-1.28	50	19.05

Criminal Case Closings

Both criminal case closings and criminal defendant closings reached record highs in 2001. Criminal case closings increased 16.2% from 489 in 2000 to 568 in 2001. The number of criminal defendant closings rose 13.2% from 828 in 2000 to 937 in 2001. Criminal case closings have increased 26.8% and criminal defendant closings have increased 35.1% since 1991.

Criminal Case Closings				
December	Cases	% Change	Defendants	% Change
1991	448	--	635	--
1992	476	6.25	731	15.12
1993	523	9.87	771	5.47
1994	463	-11.47	643	-16.60
1995	505	9.07	748	16.33
1996	497	-1.58	727	-2.81
1997	461	-7.24	732	0.69
1998	530	14.97	888	21.31
1999	542	2.26	799	-10.02
2000	489	-9.78	828	3.63
2001	568	16.16	937	13.16

Pending Criminal Case Load

Both the number of pending criminal cases and pending criminal defendants were at year end record highs at the close of 2001. The pending criminal case load increased by 17.4% from 345 at the end of 2000 to 405 at the end of 2001. Since the end of 1991, the pending criminal case load has increased 33.7%. The number of defendants pending in criminal cases increased 2.4% from 630 in 2000 to 645 in 2001. Since the end of 1991, the number of defendants pending in criminal cases has decreased 27%.

Pending Criminal Cases				
December	Cases	% Change	Defendants	% Change
1991	303	--	508	--
1992	372	22.77	578	13.78
1993	307	-17.47	450	-22.15
1994	336	9.45	516	14.67
1995	329	-2.08	518	0.39
1996	295	-10.33	506	-2.32
1997	318	7.80	569	12.45
1998	364	14.47	565	-0.70
1999	294	-19.23	485	-14.16
2000	345	17.35	630	29.90
2001	405	17.39	645	2.38

Civil and Criminal Trials

During 2001, there were 88 civil trials and 46 criminal trials. According to the 2001 Federal Case Management Statistics Workload Profile, the district ranked 92nd in the nation and ninth in the Sixth Circuit in the total number of trials completed per authorized judgeship during the year ending September 30, 2001.

Civil and Criminal Trials						
December	Civil Trials	% Change	Criminal Trials	% Change	Total Trials*	% Change
1991	100	--	55	--	155	--
1992	104	4.00	56	1.82	160	3.23
1993	103	-0.96	58	3.57	161	0.63
1994	97	-5.83	50	-13.79	147	-8.70
1995	120	23.71	66	32.00	186	26.53
1996	157	30.83	46	-30.30	203	9.14
1997	131	-16.56	54	17.39	185	-8.87
1998	129	-1.53	53	-1.85	182	-1.62
1999	111	-13.95	43	-18.87	154	-15.38
2000	113	1.80	38	-11.63	151	-1.95
2001	88	-22.12	46	21.05	134	-11.26
* 1991 and 1992 Total Trials do not include the Magistrate Judges.						

Differentiated Case Management

Under the Civil Justice Reform Act of 1990, the Northern District of Ohio was designated to "experiment with systems of differentiated case management that provide specifically for the assignment of cases to appropriate processing tracks that operate under distinct and explicit rules, procedures, and time frames for the completion of discovery and for trial." 28 U.S.C. § 482. The Local Rules set forth the DCM plan. Because the DCM plan was operational by January 1, 1992, the Court also received status as an Early Implementation District under the Act.

The underlying principle of the DCM plan is to make access to a fair and efficient court system available and affordable to all citizens by reducing costs and avoiding unnecessary delay without compromising the independence or the authority of either the judicial system or the individual judicial officer. The DCM plan attempts to meet these goals by providing early involvement of a judicial officer in each case and by establishing "event-date certainty" for case management conferences, status hearings, final pretrial conferences and trial dates as well as for discovery and motion cut-off dates. The DCM plan also promotes the active and cooperative assistance of counsel in managing all phases of the litigation. The use of alternative dispute resolution is strongly encouraged.

Under DCM, judicial officers review each case and assign it to one of five processing "tracks": expedited, standard, complex, administrative or mass tort. Each track employs case management guidelines tailored to the general requirements of similarly situated cases and case management plans are issued to meet the specific needs of individual cases.

From January 1, 1992 through December 31, 2001, there were 38,174 non-asbestos civil cases filed in the Northern District of Ohio. During that period 35,159 (92.1%) of those actions were terminated while 3,015 (7.9%) remained pending. The pending actions include hundreds of cases that have been filed recently and which have not had time to mature.

Since the inauguration of the DCM program, 21,388 cases have received track assignments including: 2,109 (9.9%) to the expedited track, 10,777 (50.4%) to the standard track, 814 (3.8%) to the complex track, 66 (0.3%) to the mass tort track and 7,622 (35.6%) to the administrative track.

Status of Civil Cases Filed From Jan. 1, 1992 through Dec. 31, 2001				
Track	Cases Filed* 1/1/92-12/31/01	Pending	Terminated	Percentage Terminated
Expedited	2,109	142	1,967	93.27
Standard	10,777	1,024	9,753	90.50
Complex	814	90	724	88.94
Administrative	7,622	723	6,899	90.51
Mass Tort	66	0	66	100.00
Unassigned:				
< 120 Days	9,318	552	8,766	94.08
120 + Days	7,468	484	6,984	93.52
Total	38,174	3,015	35,159	92.10
* Includes reopened cases.				

Of the 3,015 pending civil cases filed since January 1, 1992, 1,979 have received track assignments. Of those, over 36% were assigned to the administrative track, over 51% to the standard track, about 7% to the expedited track, over 4% to the complex track and none to the mass tort track. Of the 1,036 unassigned cases, 484 have been pending 120 days or more and may represent actions that warrant additional judicial attention.

Track Assignments of Pending Civil Cases Filed Since January 1, 1992				
Track	# of Pending Cases	Percentage of Cases	Percentage of Cases Assigned to Tracks	Percentage of Cases Assigned to Non-Administrative Tracks
Expedited	142	4.71	7.18	11.31
Standard	1,024	33.96	51.74	81.53
Complex	90	2.99	4.55	7.17
Mass Tort	0	0.00	0.00	0.00
Administrative	723	23.98	36.53	
Unassigned:				
< 120 days	552	18.31		
120 + days	484	11.55		
Total	3,015			

Alternative Dispute Resolution

Section 16 of the Local Rules provides a broad menu of non-binding, court-annexed ADR processes designed to provide quicker, less expensive and generally more satisfying alternatives to traditional litigation. The rules provide guidelines for the use of Early Neutral Evaluation ("ENE"), Mediation, Arbitration, Summary Jury Trial and Summary Bench Trial. These processes are court-annexed in that the Court manages and supervises the implementation of these ADR procedures. Parties are also encouraged to consider the use of extrajudicial ADR procedures to resolve disputes. During 1992 and 1993 the Northern District of Ohio served as a Pilot District for a voluntary arbitration program.

From January 1, 1992 through December 31, 2001, judicial officers of the Northern District of Ohio have referred 3,482 cases to ADR, including: 919 cases to Early Neutral Evaluation ("ENE"), 2,440 cases to Mediation, 56 cases to voluntary Arbitration, 63 cases to Summary Jury Trial, three cases to Summary Bench Trial and one case to a mini-trial process. ADR has been utilized by every judicial officer.

Alternative Dispute Resolution Referrals														
	'92	'93	'94	'95	'96	'97	'98	'99	'00	'01	Total	% Change 2000- 2001	% Change 1992- 2001	Total as % of Grand Total
ENE	181	158	128	135	94	72	37	40	38	36	919	5.56%	-80.11%	26.39 %
MED	142	227	244	236	249	258	301	252	220	311	2440	-29.26%	119.01%	70.07 %
ARB	16	7	5	6	2	7	8	1	1	3	56	-66.67%	-81.25%	1.61%
SJT	22	14	22		2	1		1		1	63		-95.45%	1.81%
SBT			2	1							3			0.09%
Other			1								1			0.03%
Grand Total	361	406	402	378	347	338	346	294	259	351	3482	13.51%	-2.77%	

The number of cases referred to ADR increased 64.5% from 259 in 2000 to 351 in 2001.

The results of 3,387 cases completing ADR are now known. The remaining 95 cases have not completed the ADR process and are awaiting the selection of a neutral or scheduling of the ADR proceeding.

Approximately 25% of the cases were resolved through ADR either by settlement or binding arbitration award. Included were 176 cases through ENE, 652 cases through Mediation, 13 cases through Arbitration, seven cases settled following Summary Jury Trials, one case settled following a Summary Bench Trial and one case settled as result of mini-trial process.

Fourteen percent of the cases were resolved after the actions were referred to ADR but before the ADR proceedings took place. Cases in this category include default judgments and dismissed actions where the parties settled without the necessity of an ADR proceeding.

Seven percent of the cases referred to ADR were withdrawn from the process prior to the ADR proceedings being conducted. Cases are withdrawn from ADR for various reasons including remands of actions to a state court, automatic bankruptcy stays, parties filing non-consent to voluntary arbitration, the return of actions to chambers for ruling on dispositive motions or reconsideration of the ADR referral by the judicial officer.

Fifty-three percent of the cases completing ADR were returned to chambers for post-ADR settlement negotiations and case processing. Cases returned to chambers should not be considered failures. Frequently, the ADR process places an action in shape for more efficient case processing and sets the stage for future settlement negotiations. This is particularly true of ENE, which is primarily designed to prepare a civil case for trial by getting the parties to evaluate their case, focus on the issues, organize discovery, work expeditiously and prepare the case for trial.

Disposition of Cases Completing ADR							
	ENE	MED	ARB	SJT	SBT	OTHER	TOTAL*
Withdrawn from ADR	46 5%	170 7%	13 24%	16 25%			245 7%
Resolved Prior to ADR	103 11%	330 14%	22 41%	30 48%	2 67%		487 14%
Resolved Through ADR	176 19%	652 28%	13 24%	7 11%	1 33%	1 100%	850 25%
Settlement Negotiations and Case Processing to Continue	581 64%	1208 51%	6 11%	10 16%			1,805 53%
Total	906	2,360	54	63	3	1	3,387
* Due to rounding, the overall percentage total may not sum to 100%.							

Pending Inventory Reduction Plan

At the time the Court adopted its Differentiated Case Management plan, it also adopted a Pending Inventory Reduction Plan to assure the public and the bar that all cases, both new and old, would always receive a fair amount of the Court's attention. The Pending Inventory Reduction Plan focuses primarily on the needs of older cases but also addresses the fair and expeditious processing of all cases. The goals of the PIRP are that: 1) no cases be pending which are over three years old, 2) no motions be pending more than six months, 3) no bench trials be awaiting rulings for more than six months, 4) no case be inactive for more than 90 days, 5) the median time from filing to disposition be reduced from the then 14 months to the national average of nine months and 6) the "Unassigned" docket be eliminated.

Civil Cases Three Years and Older

The number of civil cases three years and older has been reduced by about 84% since the PIRP was adopted. At the end of December, 2001 there were 65 civil cases pending three years or longer compared to 58 such cases at the end of 2000 and 399 such cases at the end of 1991.

Cases Three Years and Older		
December	Cases	% Change
1991	399	--
1992	177	-55.64
1993	144	-18.64
1994	178	23.61
1995	163	-8.43
1996	145	-11.04
1997	115	-20.69
1998	102	-11.30
1999	92	-9.80
2000	58	-36.96
2001	65	12.07

Motions Six Months and Older

In order to comply with CJRA reporting requirements, each district court must report the number of motions pending six months or longer twice each year, at the end of March and September. The number of motions pending in the Northern District of Ohio that were six months or older decreased 27.4% from 179 in September, 2000 to 130 in September, 2001, the most recent reporting period. The district continues to work diligently through its Motions Control Program to reach the PIRP goal of resolving all motions within six months.

Motions Pending Six Months and Longer		
September	Motions	% Change
1992	1,169	--
1993	1,420	21.47
1994	273	-80.77
1995	546	100.00
1996	494	-9.52
1997	375	-24.09
1998	145	-61.33
1999	312	115.17
2000	179	-42.63
2001	130	-27.37

Bench Trials

There were no bench trials awaiting a ruling for six months or longer at the end of 2001.

Bench Trials Awaiting Rulings Six Months or More										
1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
1	0	0	1	0	0	0	0	0	0	0

Inactive Cases

The number of cases which had been inactive for 90 days or more increased 148.7% from 199 at the end of 2000 to 495 at the end of 2001.

Civil Cases Inactive 90 or More Days		
December	Cases	% Change
1992	635	--
1993	677	6.61
1994	564	-16.69
1995	551	-2.31
1996	420	-23.78
1997	440	4.76
1998	330	-25.00
1999	386	16.97
2000	199	-48.45
2001	495	148.74

Median Time to Disposition from Filing

The median time to disposition from filing for all civil cases (including asbestos), as reported by the Federal Court Management Statistics Judicial Workload Profile, increased from 4.2 months in 2000 to 8.3 months in 2001. The average for all district courts is 8.7 months. However, it should be noted, that over the past several years the median time statistic for the Northern District of Ohio has been skewed, primarily reflecting the regular transfer of newly filed asbestos cases shortly after filing to the E.D. of Pennsylvania pursuant to the ongoing Multi-District Litigation pending before that Court.

Median Time in Months From Filing to Disposition Source: Federal Management Statistics Profile				
September	U.S. Avg.	% Change	ND of OH	% Change
1991	10	--	20	--
1992	9	-10.00	6	-70.00
1993	8	-11.11	2	-66.67
1994	8	0.00	4	100.00
1995	8.9	N/M*	5.4	N/M*
1996	7.0	-11.35	3.4	-37.04
1997	8.4	20.00	2.6	-23.53
1998	9.2	9.52	4.8	84.61
1999	10.3	11.96	5.4	12.50
2000	8.2	-20.39	4.2	-22.23
2001	8.7	6.10	8.3	97.38
* Not meaningful. Prior to 1995, the AO reported median times only in whole numbers.				

Unassigned Docket

An unassigned case is a matter that does not reside on the docket of any particular judge. Since the inception of the PIRP, the unassigned docket has been eliminated.

Magistrate Judge Utilization

The CJRA Advisory Group recognized that the contributions of magistrate judges would be critical to the success of the new case management system. The Advisory Group recommended that the role of the magistrate judges be expanded. Parties are now asked whether they will consent to the jurisdiction of a magistrate judge both at the time they complete the initial Case Information Statement and once again at the initial Case Management Conference.

Magistrate judges currently preside over 455 of the 3,015 pending civil cases, down 4% from the 474 cases presided over in 2000 but up 41% over the 322 cases presided over in 1991.

Pending Civil Case Loads at Year End by Judicial Status					
	Active	Senior & Other	Magistrate	Total	% Change
1991	2,539	707	322	3,568	--
1992	1,978	970	424	3,372	-5.49
1993	2,233	800	510	3,543	5.07
1994	2,868	473	348	3,689	4.12
1995	2,861	559	320	3,740	1.38
1996	2,267	732	245	3,244	-13.26
1997	2,556	735	339	3,630	11.90
1998	2,278	462	429	3,169	-12.70
1999	2,239	485	399	3,123	-1.45
2000	2,091	387	474	2,952	-5.48
2001	2,190	370	455	3,015	2.13

Magistrate judges were the presiding judicial officers for 568 (15%) of the civil cases that were resolved in 2001, up 14.7% from the 495 closings in 2000. The 568 closings were up 109% from the 272 civil cases resolved by magistrate judges in 1991.

Non-Asbestos Civil Case Closings by Status of Judicial Officer					
	Active	Senior & Other	Magistrate	Total	% Change
1991	2,743	640	272	3,655	--
1992	2,511	926	392	3,829	4.76
1993	2,079	956	450	3,485	-8.98
1994	2,189	760	396	3,345	-4.02
1995	2,593	700	397	3,690	10.31
1996	2,744	1,035	404	4,183	13.36
1997	2,883	727	337	3,947	-5.64
1998	2,964	943	486	4,393	11.30
1999	2,950	750	481	4,181	-4.83
2000	3,104	723	495	4,322	3.37
2001	2,723	535	568	3,826	-11.48

Asbestos Litigation

On July 29, 1991, the Judicial Panel on Multi district Litigation (MDL) transferred all asbestos cases pending in federal courts to the E.D. of Pennsylvania for pretrial management supervision. Although the MDL transferee judge has assumed overall pretrial management supervision of this complex mass tort litigation, the presence of the asbestos docket continues to influence staff workload in the Northern District of Ohio. Pursuant to the Judicial Panel's order of transfer, all case files and pleadings continue to be maintained and docketed by the transferor courts. Some 9,675 new asbestos cases were filed and docketed in this district during 2001, a 298% increase from the 2,430 asbestos cases filed in 2000. The district now maintains over 57,000 asbestos case files. The MDL judge has issued orders dismissing, subject to reinstatement, the overwhelming majority of cases pending on the maritime asbestos docket. However, the MDL judge continues to permit the parties in those dismissed cases to file amended complaints and answers if they choose to do so.

Asbestos Case Filings		
December	Filings	% Change
1992	1,523	0.00
1993	4,319	183.59
1994	4,163	-3.61
1995	5,184	24.53
1996	6,010	15.93
1997	5,325	-11.40
1998	4,997	-6.16
1999	3,269	-34.58
2000	2,430	-25.67
2001	9,675	298.11

Educational Efforts

The Northern District of Ohio continues to actively educate the bar about its DCM and ADR programs as well as its electronic courtrooms and electronic filing project by co-sponsoring Continuing Legal Education (CLE) seminars with the major local bar associations throughout the district. Electronic courtroom and electronic filing training is also provided at each of the court houses. The district also conducts annual training and refresher courses in alternative dispute resolution techniques for over 350 members of its Federal Court Panel who serve as ADR neutrals. In addition, the Court provides a wealth of information on its website (www.ohnd.uscourts.gov).

Northern District of Ohio Advisory Group

Perhaps the most beneficial aspect of the Civil Justice Reform Act was the creation in each district of the CJRA Advisory Groups. Those groups provided an avenue for a continuing dialog on effective case management and other issues of interest to the bench and the bar. While the CJRA has now sunset, the Judicial Conference of the U.S. Courts has recommended that the Advisory Group process be retained. The Northern District of Ohio has adopted that recommendation and

has extended the membership and mission of the group beyond merely civil matters. The mission of the group, now called the Advisory Group of the Northern District of Ohio, is to provide information on all matters of interest to the bench and the bar and to assist in the implementation of Court adopted programs such as electronic filing and the electronic courtroom projects. The Advisory Group meets as a whole with the Court each spring and fall and conducts committee meetings regularly throughout the year.

Electronic Filing

In January, 1996, the Northern District of Ohio became the first Court to use the Internet for electronic filing. At that time, the Court mandated electronic filing in its maritime asbestos litigation out of operational necessity after it had been overwhelmed with the filing of over 500,000 asbestos pleadings in one 12-month period and had developed a 7-month backlog of docketing. Since then over 58 law firms have electronically filed more than 182,000 documents in 22,980 maritime asbestos cases. The electronic filing system used by the Court was developed by the Technology Enhancement Office of the Administrative Office of the U.S. Courts. The system streamlines the typically labor intensive process of creating legal documents, filing them with the Court and making them available to the other parties in the litigation while providing 24-hour per day access to Court records.

Building upon the success it had with its unique maritime asbestos litigation, the Court began permitting electronic filing in selected civil cases in October, 1997, and began permitting electronic filing in all newly filed cases in July, 2000. By February, 2002, over 5,000 attorneys had registered to use the Court's system and 2,521 attorneys representing 851 firms and solo practitioners had electronically filed nearly 40,000 documents. The Court's goal is to have all pending civil cases placed into the Case Management / Electronic Case File (CM/ECF) system, which provides electronic access over the Internet 24 hours a day, seven days a week, and permits electronic filing, as soon as possible.

The Administrative Office continues to work on enhancing the CM/ECF system and making it available to all federal courts. The next version of the software, scheduled to be ready by summer 2002, will permit Courts to place criminal cases into the system.

In September, 2001, the Judicial Conference of the U.S. Courts established a nationwide policy governing electronic availability of federal court case file information. The policy states that access to electronic documents in civil cases should be made available electronically to the same extent that they are available at the courthouse with one exception (Social Security cases should be excluded from electronic access) and that certain "personal data identifiers" should be modified or partially redacted by the litigants. These identifiers are social security numbers, dates of birth, financial account numbers and names of minor children. The policy also states that public remote electronic access to documents in criminal cases should not be available at this time, with the understanding that this policy will be reexamined within two years. The policy permits courts to provide electronic access to parties and counsel of record in criminal cases, but does not allow for remote electronic public access to documents in criminal matters, accept under limited situations. The policy also permits courts to allow electronic filing in criminal cases if they desire. The Northern District of Ohio will not determine if it will permit electronic filing in criminal cases until the final software is provided.

Electronic Courtroom, Video Conferencing and Satellite Receivers

The Northern District of Ohio strives to provide litigants with the best facilities available to assist in the efficient administration of justice. In order to streamline the presentation of evidence at trial, the Court installed one of the most technologically advanced courtrooms in the country in its Cleveland Court House in September, 1998. Since then similar courtrooms were installed in Akron, Toledo and Youngstown court houses. In addition, three new electronic courtrooms will be installed in the new Cleveland Court House that is scheduled to open in 2002. The electronic courtroom in the current Cleveland court house will also be relocated to the new building providing the district with a total of 7 electronic courtrooms.

Through the use of a Digital Evidence Presentation System (DEPS), counsel can display exhibits, real-time transcripts, video recordings or multimedia presentations with the push of a button. The system includes: a document camera for displaying documents, x-rays and three-dimensional objects; 15" flat-panel video displays on counsel tables, the judge's bench and between jurors; VGA connections to display documents, multi-media presentations or images from a portable computer on any monitor in the courtroom; technology-ready counsel tables; real-time court reporter transcription; a visual image printer to produce 3" x 5" prints of any image displayed through the DEPS; a tablet and light pen which permit on-screen drawing and highlighting to emphasize specific details of evidence; a videocassette recorder; infrared equipment for listening assistance and language translation; and under carpet CAT 5 connections. The district also has portable evidence presentation and video conferencing equipment available at each of the other Court locations.

The Court also has video-conferencing equipment in each of its Court locations as part of a prisoner video-conferencing project. This equipment can also be used for a variety of other purposes including remote witness testimony and administrative meetings of the Court.

Finally, the Court also has satellite receivers at each of its court locations, enabling judges and staff to participate in satellite training programs offered by the Administrative Office and the Federal Judicial Center.

Conclusion

The civil and criminal dockets in the Northern District of Ohio remain in excellent shape. The pending civil docket is near its decade low, despite having record high levels of civil case filings over each of the past five years. Moreover, the number of civil cases 3 years and older and the number of motions pending 6 months or more are at, or near, their lowest levels of the past decade. While the number of pending criminal cases and the number of pending criminal defendants are at a record high for the district, the criminal docket remains relatively low when compared to the criminal dockets of most other districts.

The Court remains committed to its DCM and ADR programs and it also continues to move forward in making electronic presentation equipment available in its courtrooms as well as to permit electronic filing and expand electronic access to the Court's dockets over the Internet. The Court looks forward to moving into its new Cleveland Court House during the upcoming year.

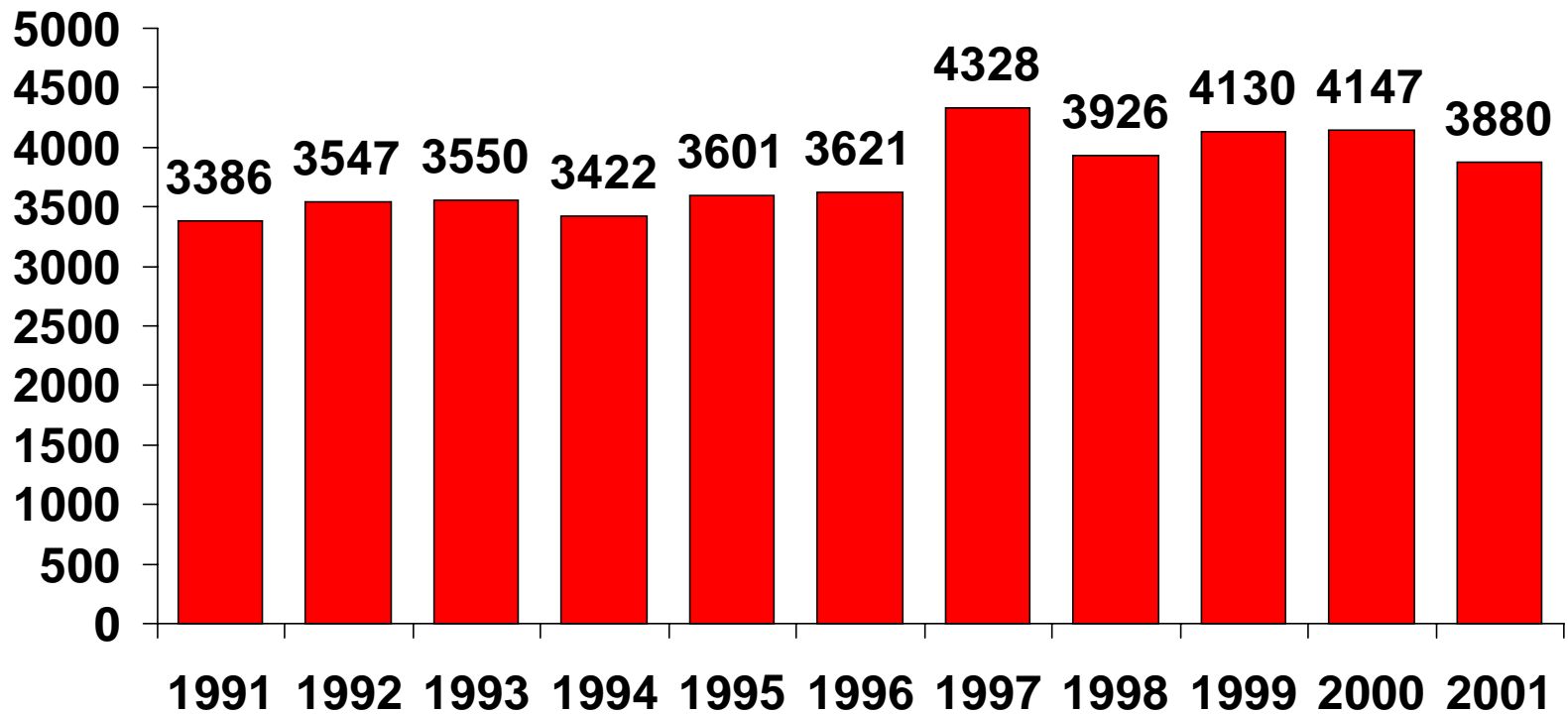
The Court continues to remain hopeful that its vacant district judgeship will soon be filled and that Congress will approve the Judicial Conference recommendation that its temporary judgeship be extended for an additional five years.

**Annual Assessment of the Civil and Criminal Dockets
for the
United States District Court
Northern District of Ohio**

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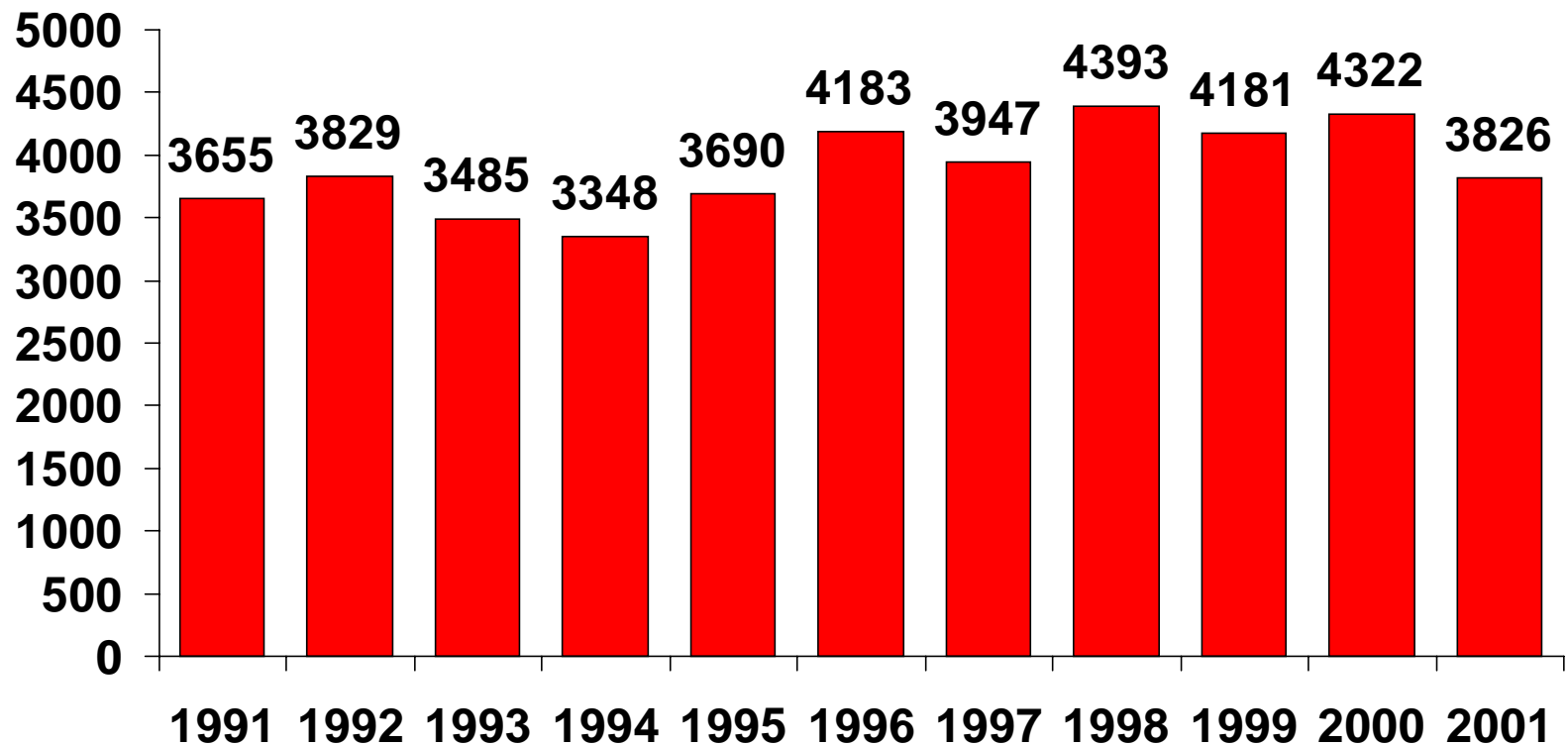
Civil Case Load	
Case Filings	1
Case Closings	2
Pending Cases	3
Asbestos Case Load	
Case Filings	4
Cases Files Maintained	5
Civil Trial Activity	6
Criminal Case Load	
Case Filings	7
Case Closings	8
Defendant Filings	9
Defendant Closings	10
Pending Cases	11
Pending Defendants	12
Criminal Trial Activity	13
Total Civil and Criminal Trials	14
Civil Justice Reform Act	
Civil Cases Two Years and Older	15
Civil Cases Three Years and Older	16
Motions Pending Six Months or More	17

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASE FILINGS
1991-2001 (Year ending December 31)**



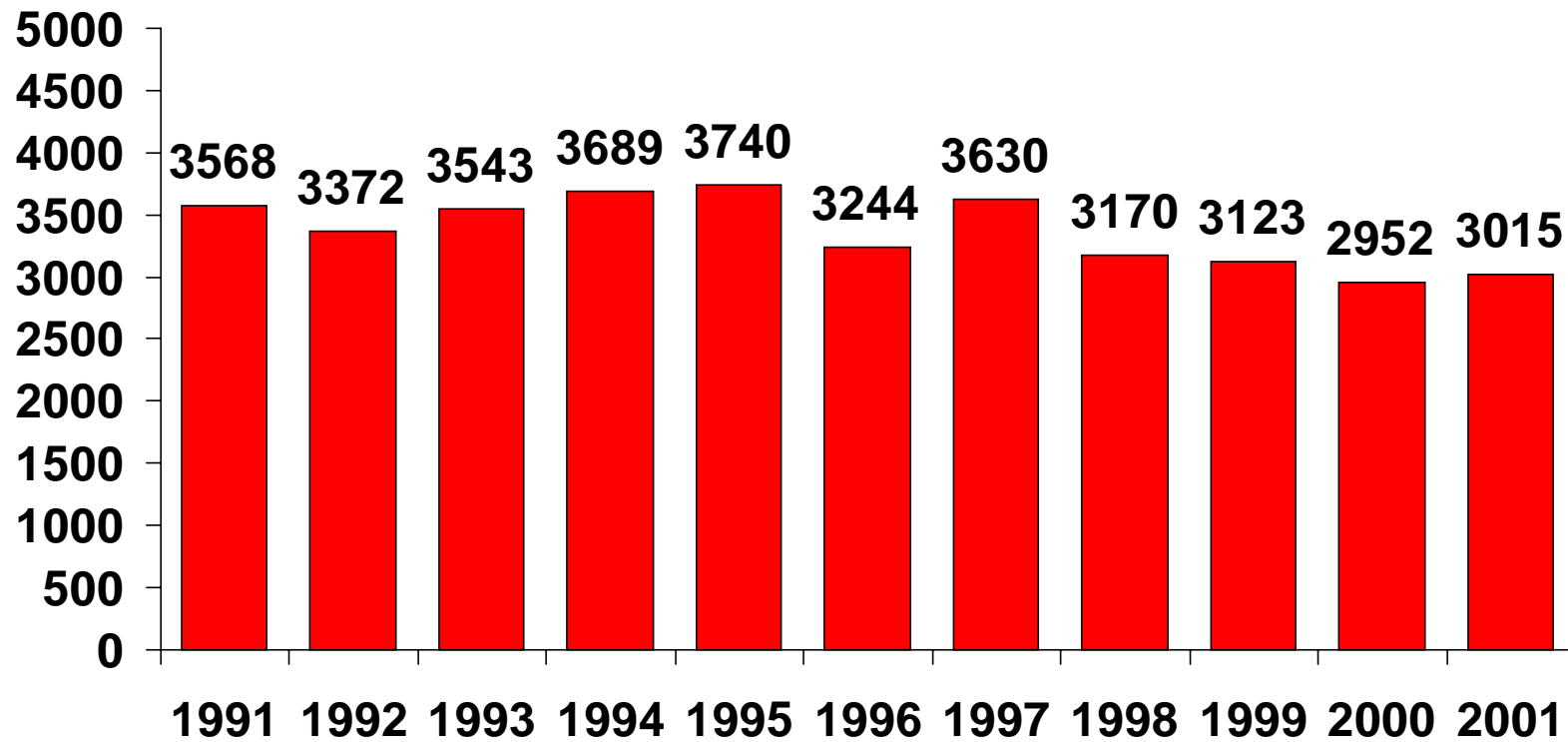
- % Change 2000-2001: -6.44%
- % Change 1991-2001: 14.59%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASE CLOSINGS
1991-2001 (Year ending December 31)**



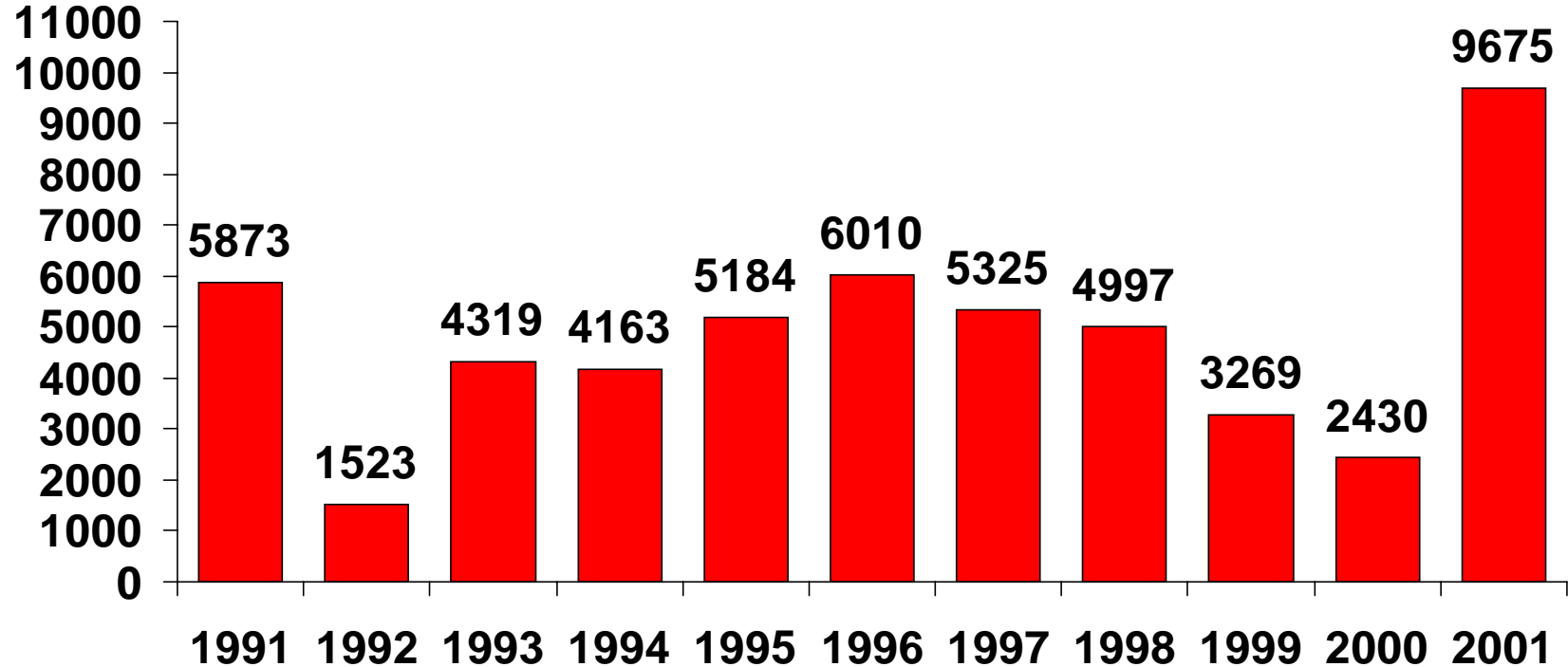
- % Change 2000-2001: -11.48%
- % Change 1991-2001: 4.68%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CIVIL CASES
1991-2001 (Year ending December 31)**



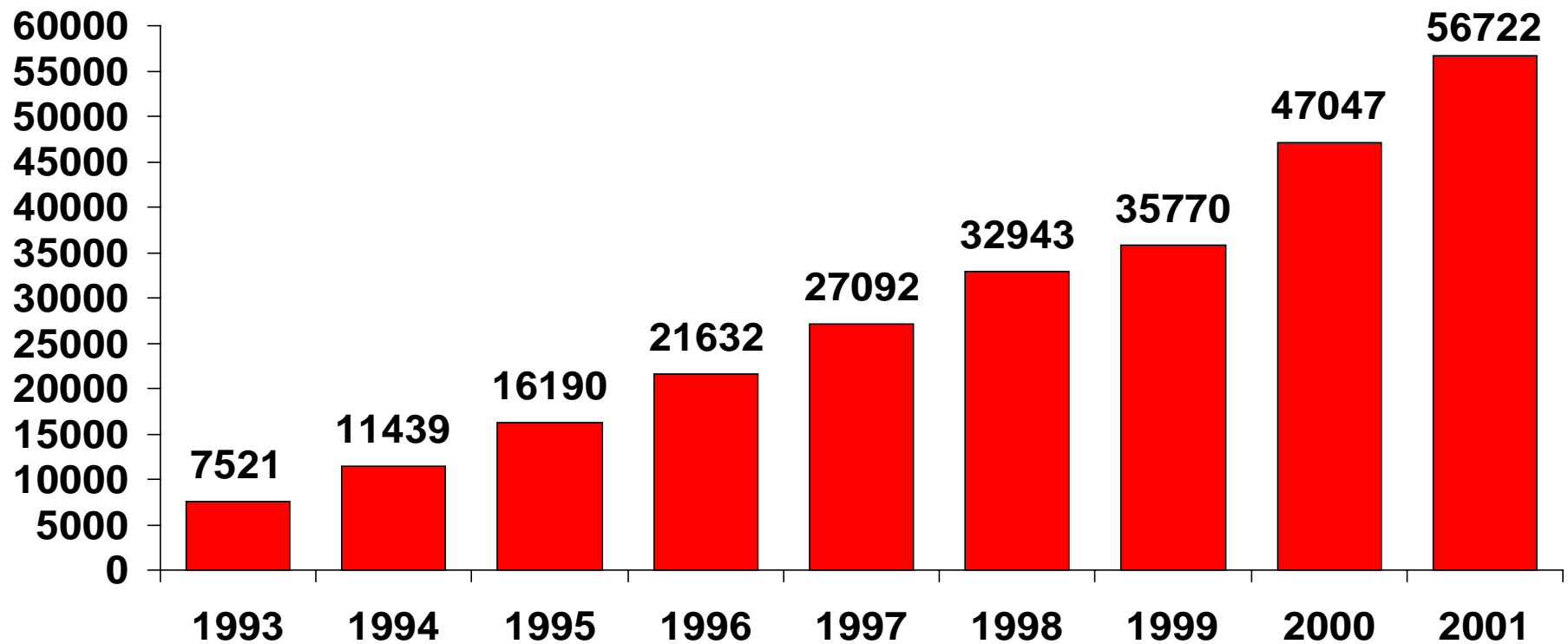
- % Change 2000-2001: -2.13%
- % Change 1991-2001: -15.50%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ASBESTOS CASE FILINGS
1991-2001 (Year ending December 31)**



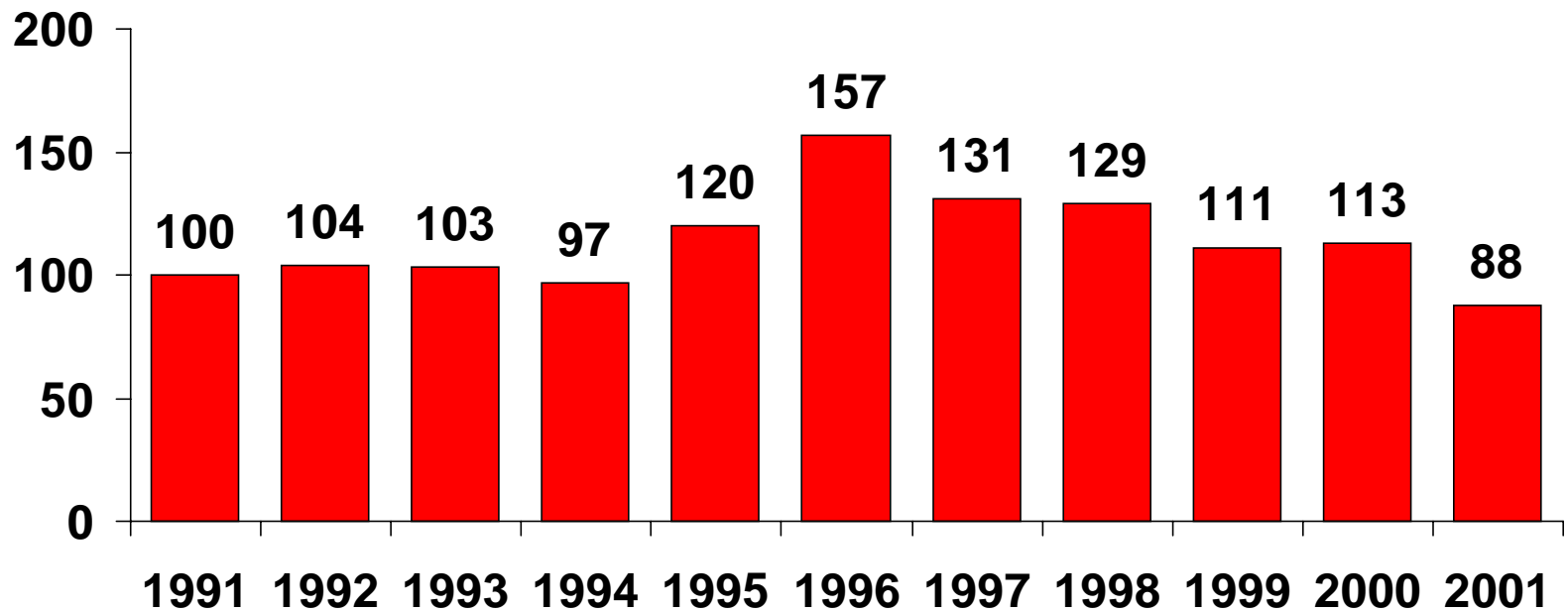
- % Change 2000-2001: 298.15%
- % Change 1991-2001: 64.74%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
ASBESTOS CASE FILES MAINTAINED
1991-2001 (Year ending December 31)**



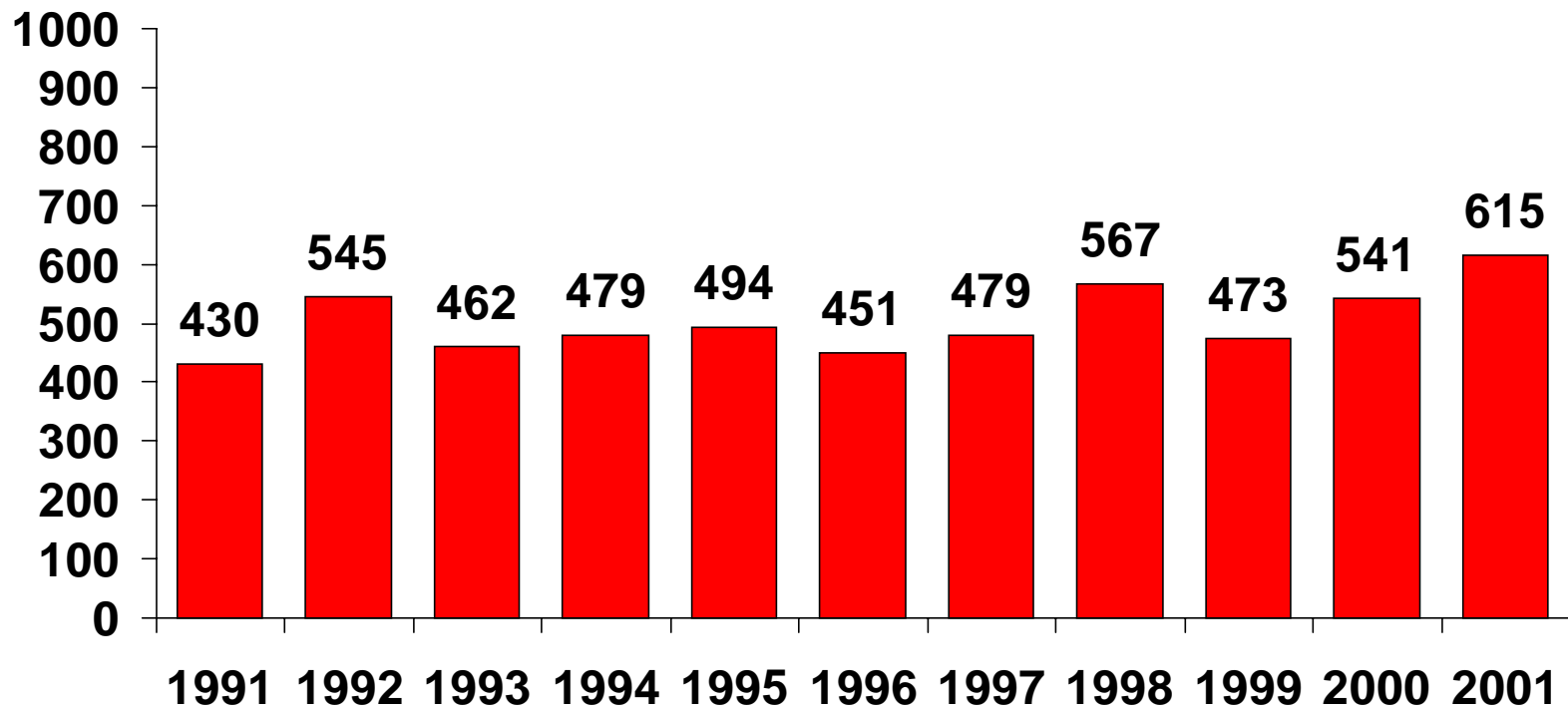
- % Change 2000-2001: 20.56%
- % Change 1991-2001: 654.18%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL TRIALS
1991-2001 (Year ending December 31)**



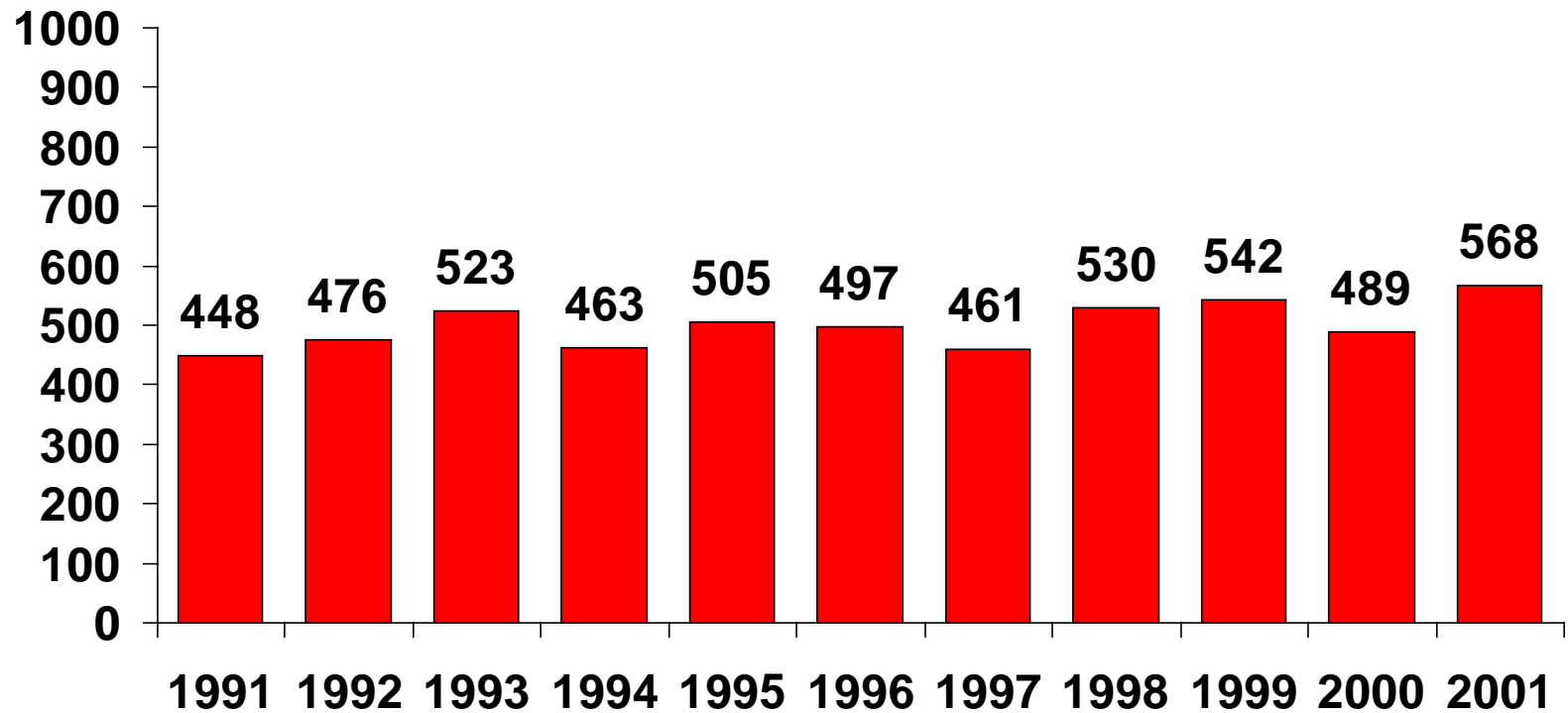
- % Change 2000-2001: -22.12%
- % Change 1991-2001: -12.00%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL CASE FILINGS
1991-2001 (Year ending December 31)**



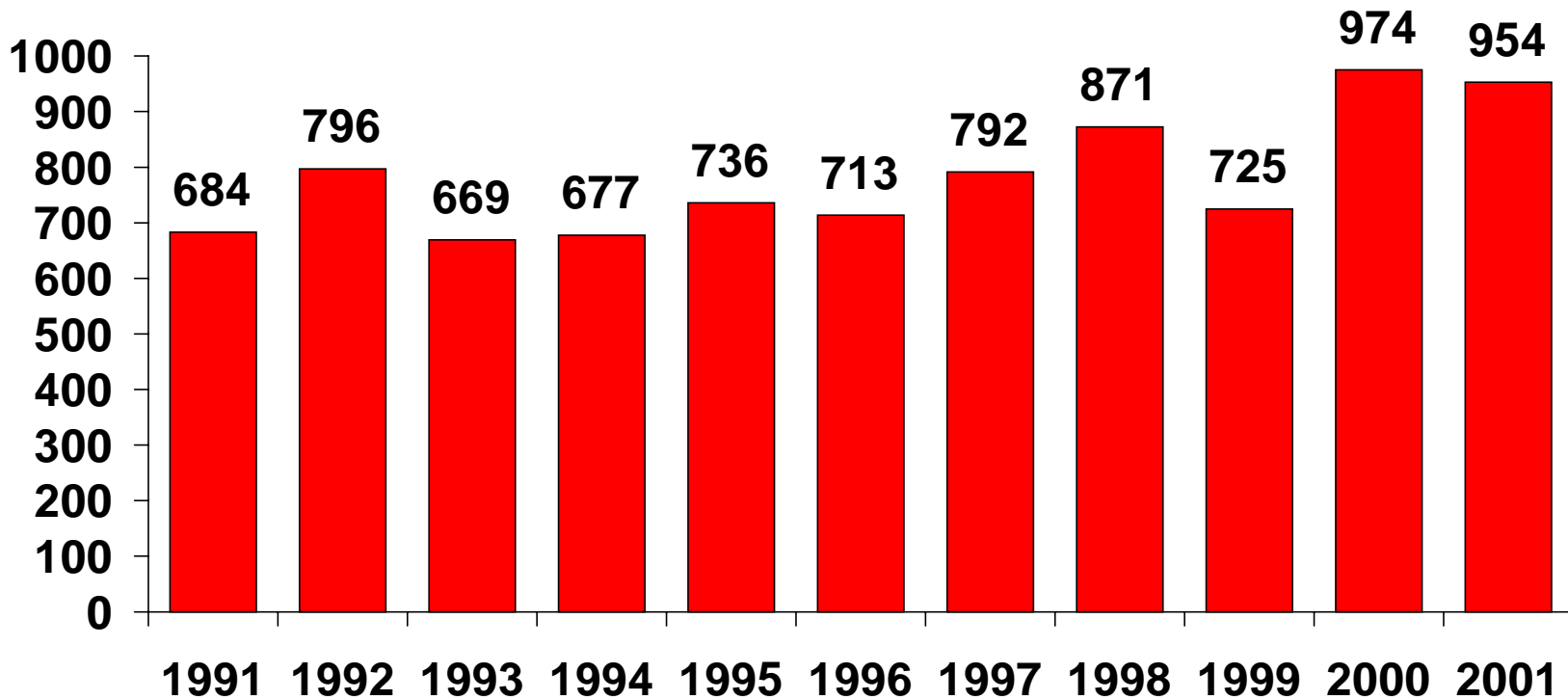
- % Change 2000-2001: 13.68%
- % Change 1991-2001: 43.02%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL CASE CLOSINGS
1991-2001 (Year ending December 31)**



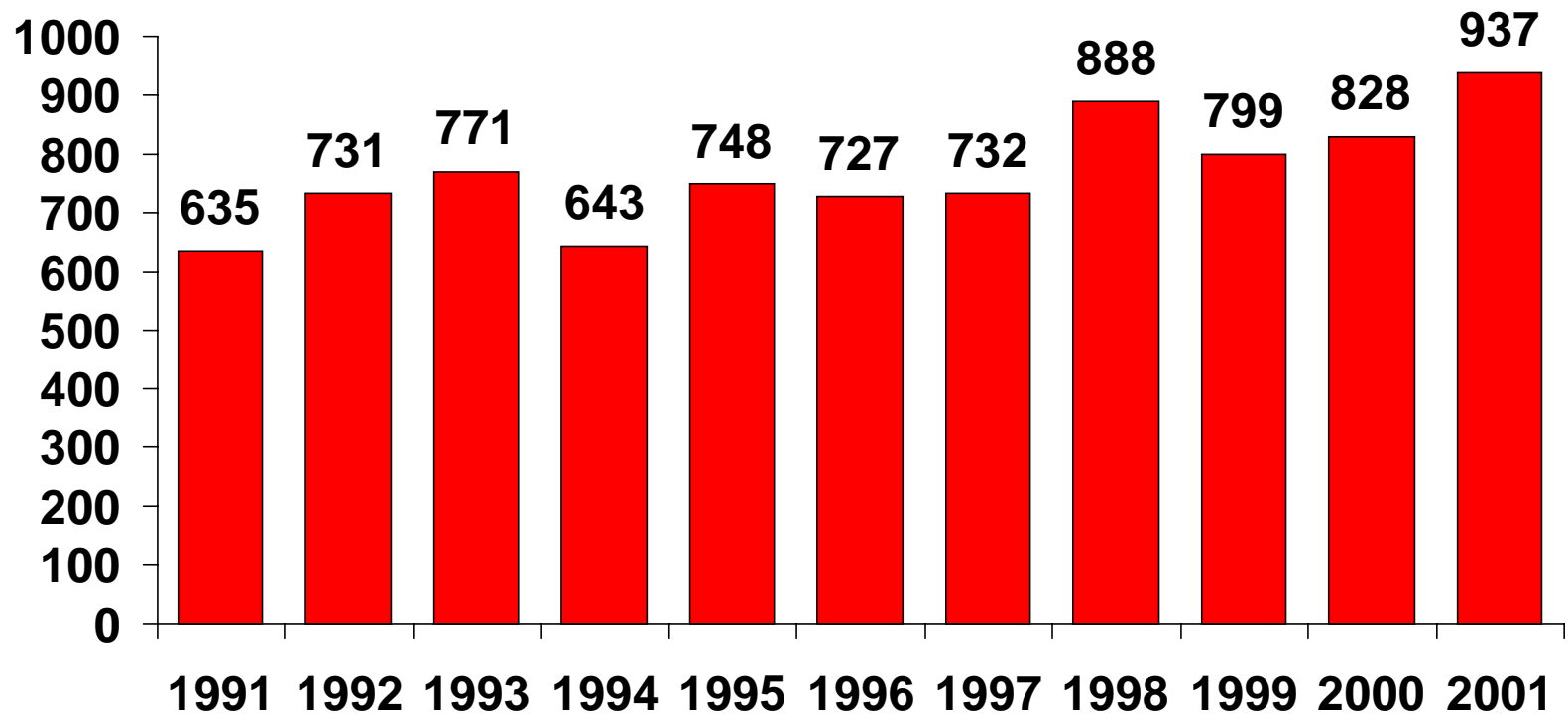
- % Change 2000-2001: 16.16%
- % Change 1991-2001: 26.79%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL DEFENDANT FILINGS
1991-2001 (Year ending December 31)**



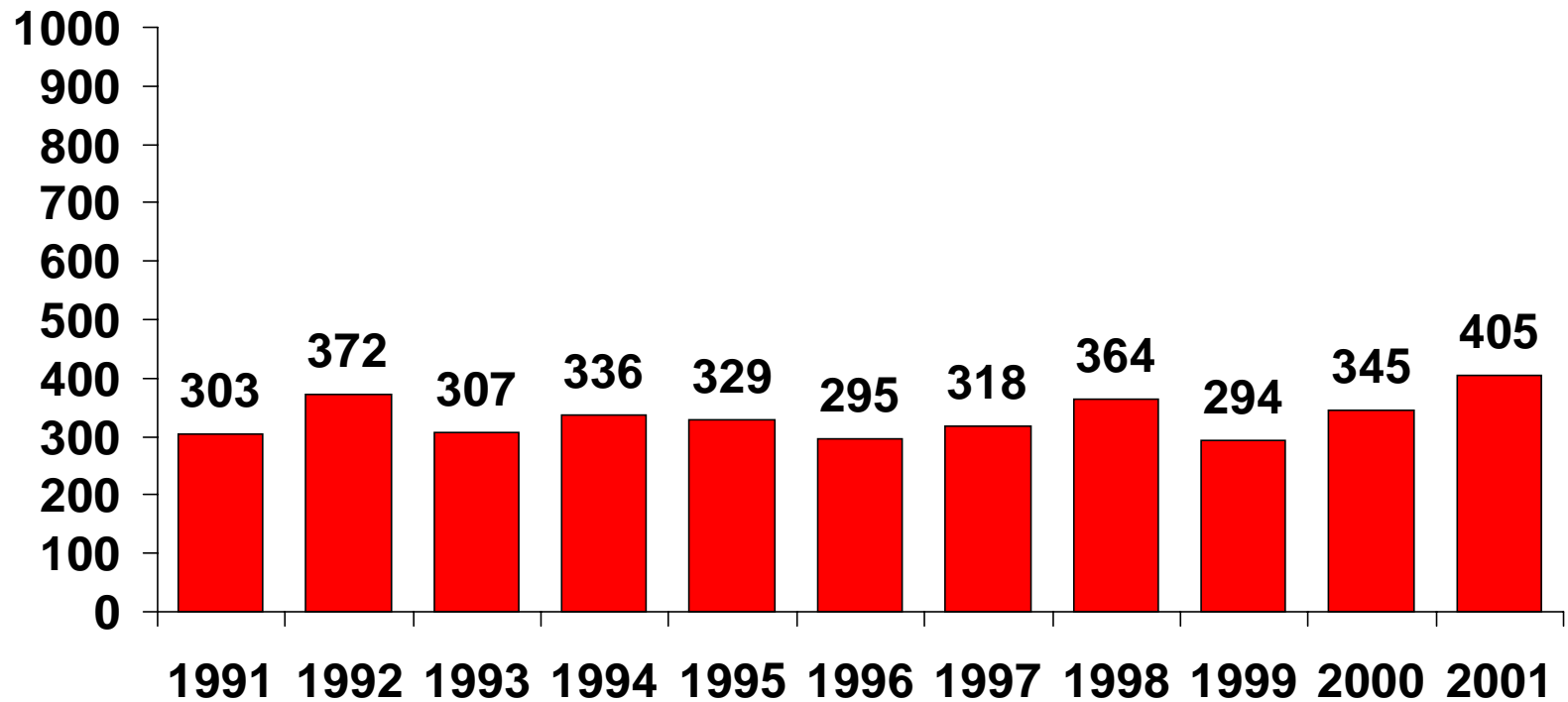
- % Change 2000-2001: -2.05%
- % Change 1991-2001: 39.47%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL DEFENDANT CLOSINGS
1991-2001 (Year ending December 31)**



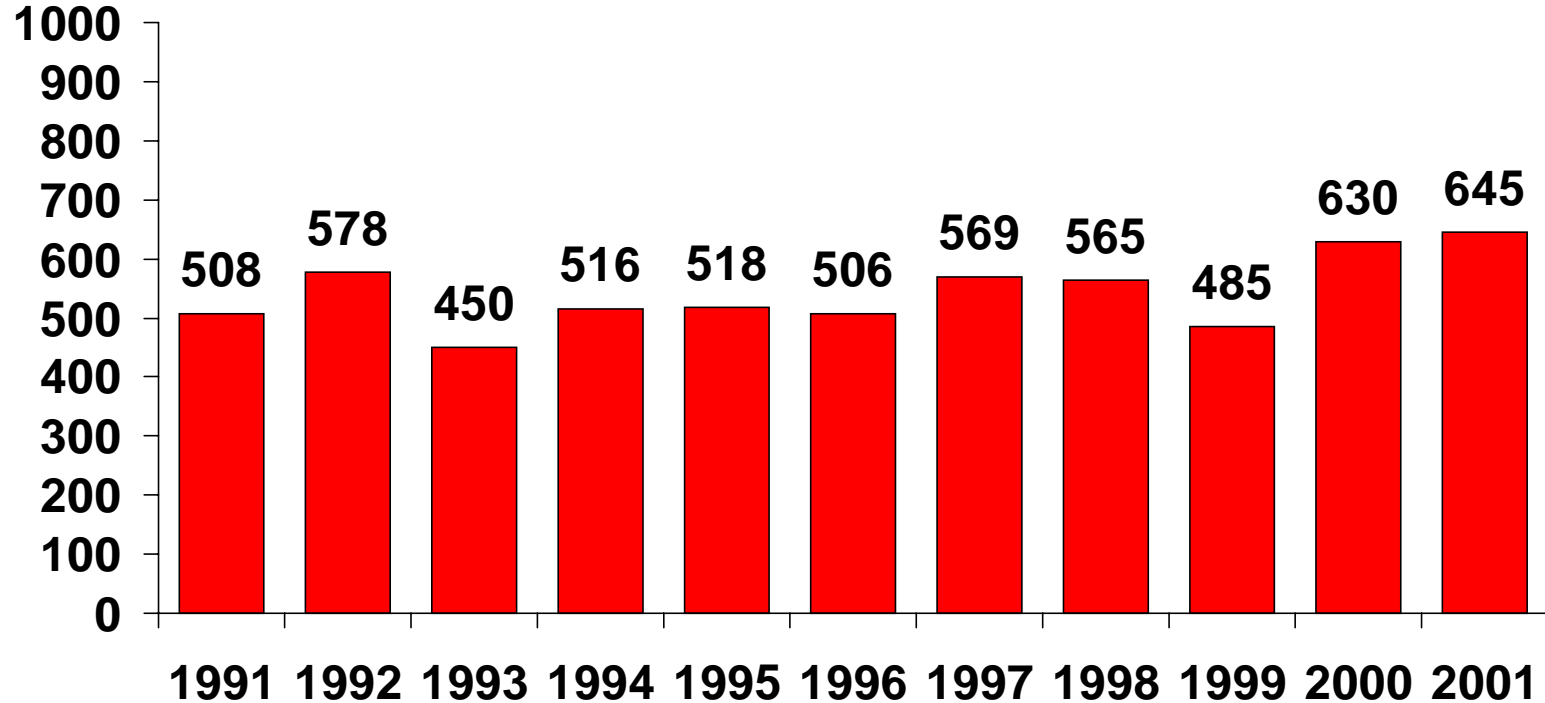
- % Change 2000-2001: 13.16%
- % Change 1991-2001: 47.56%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CRIMINAL CASES
1991-2001 (Year ending December 31)**



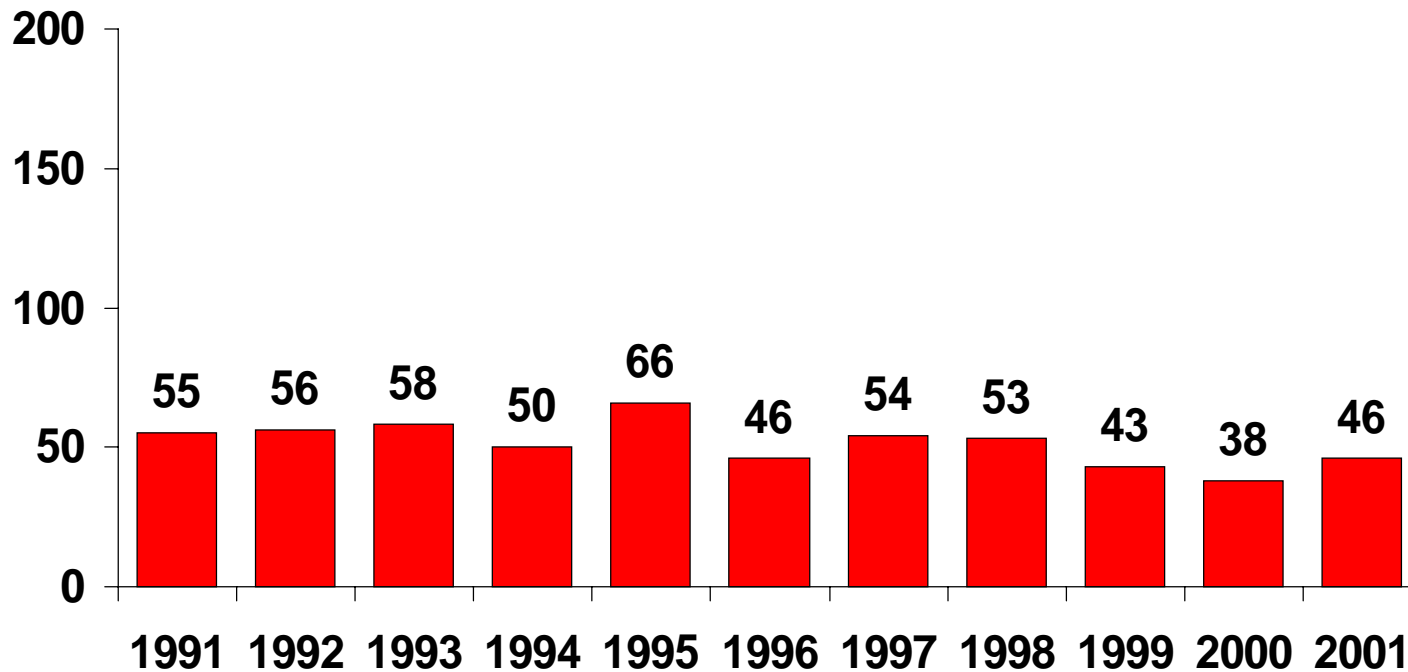
- % Change 2000-2001: 17.39%
- % Change 1991-2001: 33.66%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
PENDING CRIMINAL DEFENDANTS
1991-2001 (Year ending December 31)**



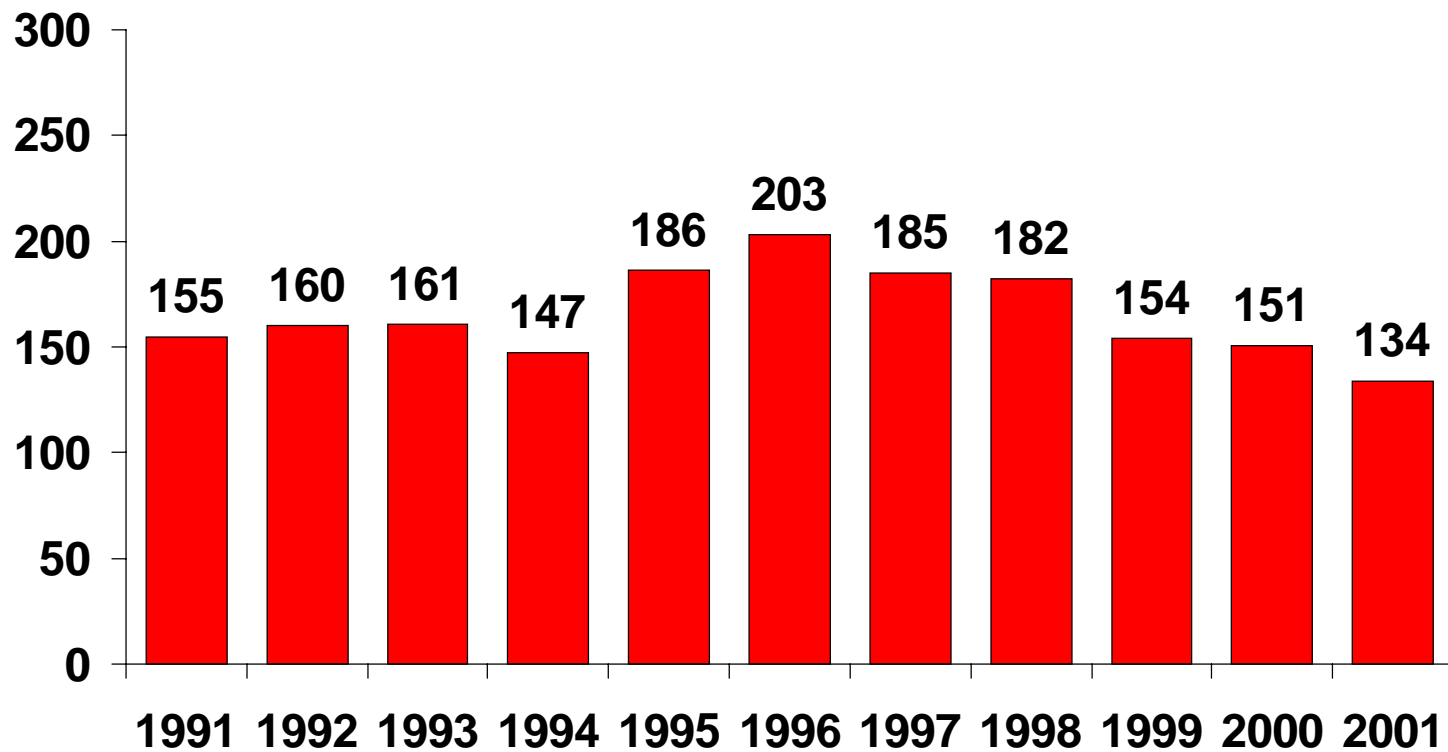
- % Change 2000-2001: 2.38%
- % Change 1991-2001: 26.96%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CRIMINAL TRIALS
1991-2001 (Year ending December 31)**



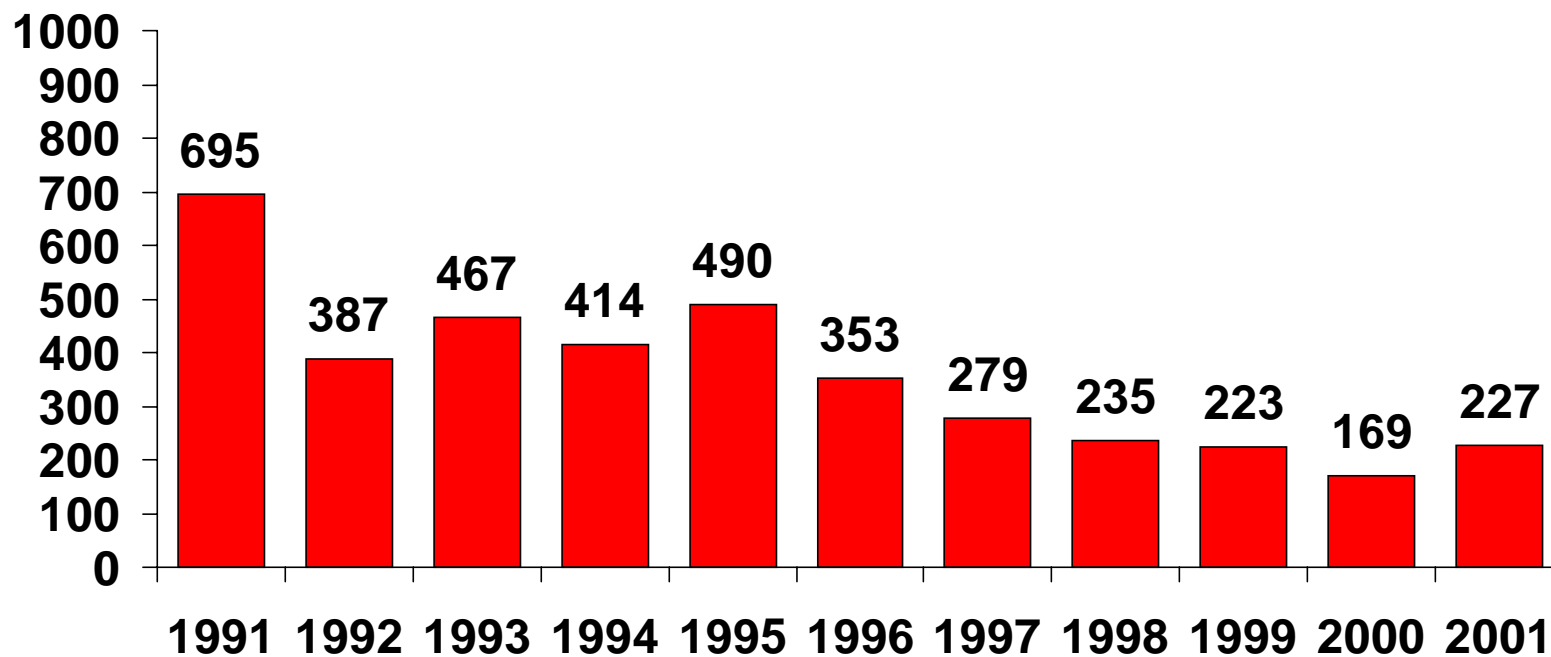
- **% Change 2000-2001: 21.05%**
- **% Change 1991-2001: -16.36%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOTAL CIVIL AND CRIMINAL TRIALS
1991-2001 (Year ending December 31)**



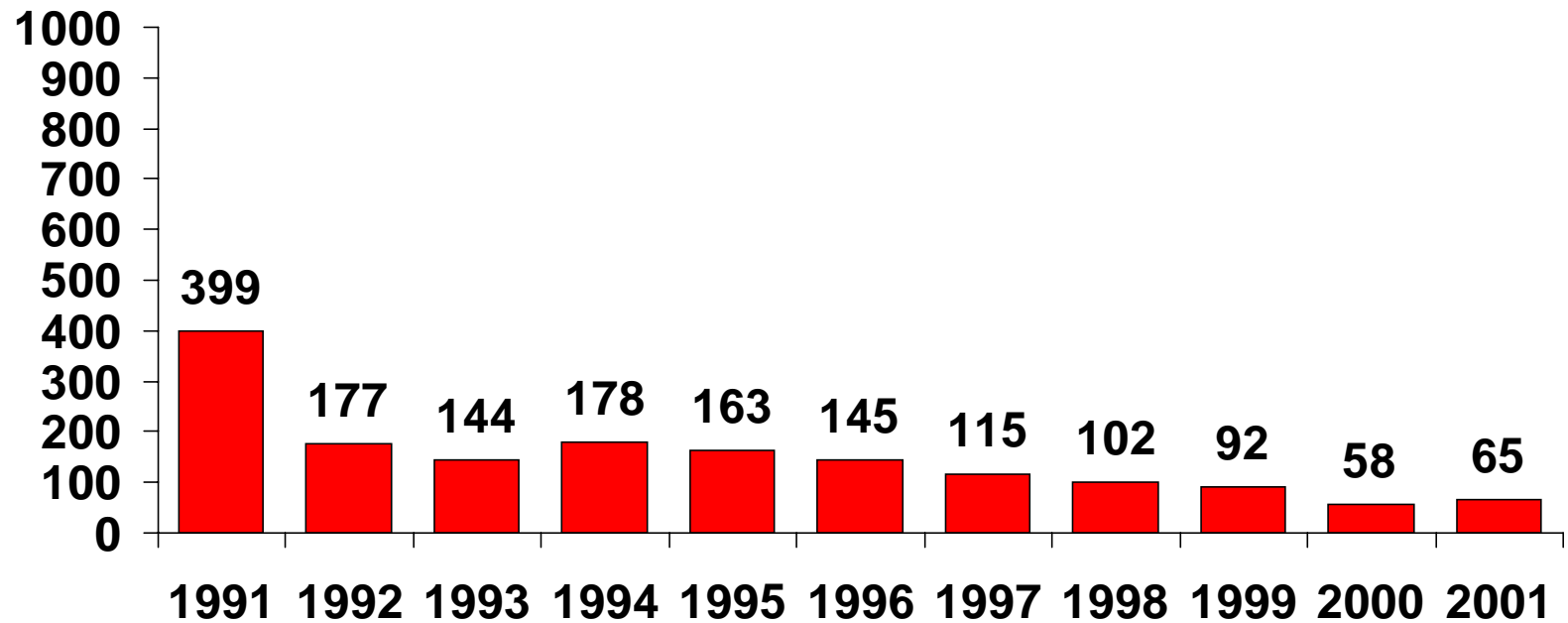
- **% Change 2000-2001: -11.26%**
- **% Change 1991-2001: -13.55%**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASES PENDING MORE THAN TWO YEARS
1991-2001 (Year ending December 31)**



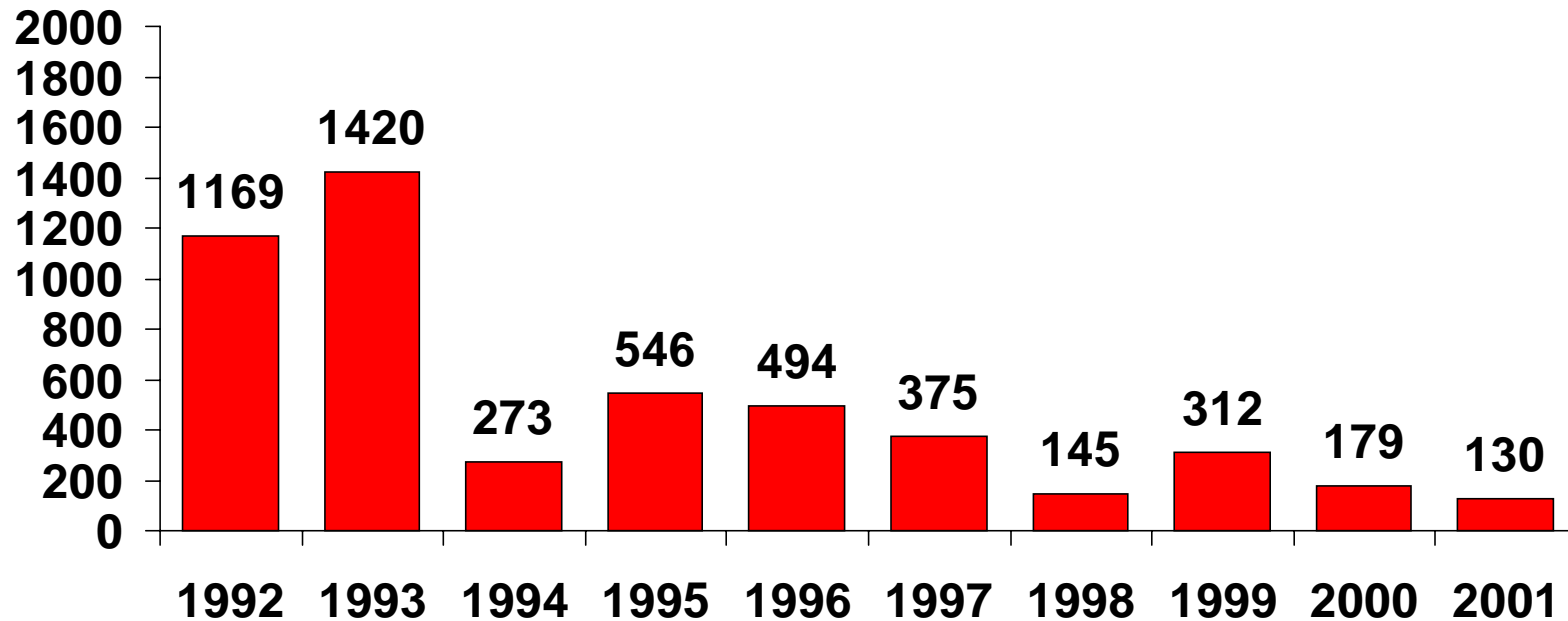
- % Change 2000-2001: 34.32%
- % Change 1991-2001: -67.34%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CIVIL CASES PENDING MORE THAN THREE YEARS
1991-2001 (Year ending December 31)**



- % Change 2000-2001: 12.07%
- % Change 1991-2001: -83.71%

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
MOTIONS PENDING MORE THAN SIX MONTHS
1992-2001 (Reporting period ending September 30)**



- % Change 2000-2001: -27.37%
- % Change 1992-2001: -88.88%